

Applicants: Ellen Collisson et al.  
Serial No.: 09/303,510  
Filing Date: April 30, 1999, 1999  
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Applicants acknowledge with thanks the Examiners' allowance of claims 2, 55, 56, and 62-64 and the withdrawal of the following rejections in the Office Action mailed November 6, 2001: the rejection of claims 2, 83, 89 and 90 under U.S.C. §112, first paragraph; the rejection of claims 2, 6, 46, 48-52, 55, 56, 62-64, and 83-85 under 35 U.S.C. §103(a); the rejection of claim 2 and dependent claims 6, 83, 48-52, 55, 56, 62, 63, 64, and 83-85 under 35 U.S.C. §112, first paragraph; the rejection of claim 2 under 35 U.S.C. §112, second paragraph; the rejection of claim 2 and all the dependent claims 6, 48-52, 55, 56, 62-64, and 83-85 under 35 U.S.C. §102(b); the rejection of claim 2 under 35 U.S.C. §102(b); and the rejection of claim 56 under 35 U.S.C. §112, first paragraph.

**Rejections under 35 U.S.C. § 112, First Paragraph**

**A. New Rejection of Claims 83, 84, 85 and 90 under 35 U.S.C. §112, Second Paragraph.**

Claims 83, 84, 85, and 90 stand rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner contends that the use of the term "shown in" renders these claims indefinite.

In response, while disagreeing with the Examiner's view, Applicants have amended claims 83, 84, 85, and 90 to replace the recitation of "shown in" with --of--.



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In light of these amendments, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph rejection of claims 83, 84, 85, and 90.

B. New Rejection of Claims 48-52 Under 35 U.S.C. §112, Second Paragraph.

Claim 48 and its dependent claims 49-52 stand rejected under 35 U.S.C. §112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner contends that the use of the phrase "uniquely present" renders these claims indefinite.


In response, while disagreeing the Examiner's view, Applicants have amended claim 48 to delete the recitation of "uniquely present" from the claim.

In light of this amendment, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph rejection of claim 48 and its dependent claims 49-52.

C. Objection of Claim 90.

Claim 90 stands objected to by the Examiner for minor informality.

In response and as set forth above, Applicants have amended claim 90 to replace the recitation of "shown in" with --of-- . For clarity , Applicants have also amended claim 90 to delete the



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recitation of "having the amino acid sequence" since the sequence that it refers to, SEQ ID NO: 6, is an amino acid sequence.

Applicants respectfully request that the Examiner reconsider and withdraw this objection to claim 90.

In view of the above amendments and discussion, reconsideration and withdrawal of these grounds for rejection, and allowance of claims 48-52, 83-85, and 90 as amended, is respectfully requested.

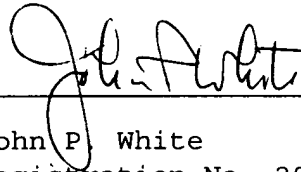
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

A handwritten mark, possibly a signature or initials, located in the bottom right corner of the page.

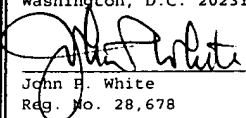
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No fee, other than the enclosed \$920.00 fee for a three-month extension, is deemed necessary in connection with the filing of this Amendment. If any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
 John P. White Reg. No. 28,678	<u>5/6/02</u> Date

Marked-up Version of Amended Claims

Deletions to the text are indicated by square brackets. Additions are indicated by underline.

- 48        (Twice Amended) An oligonucleotide of at least 12 nucleotides which has a sequence complementary to a sequence [uniquely present] in the nucleic acid of claim 2.
- 83        (Amended) The nucleic acid of claim 2 which encodes the amino acid sequence [shown in] of SEQ ID NO: 6.
- 84        (Amended) The vector of claim 55 wherein the nucleic acid encodes the polypeptide [shown in] of SEQ ID NO: 6.
- 85        (Amended) The vector of claim 84 wherein the nucleic acid has the sequence [shown in] of SEQ ID NO: 5.
- 90        (Twice Amended) An isolated nucleic acid consisting essentially of a nucleotide sequence which encodes a feline CD86 ligand or a feline soluble CD86 ligand [having the amino acid sequence shown in] of SEQ ID NO: 6.